

ONE HUNDRED FOURTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
COMMITTEE ON ENERGY AND COMMERCE  
2125 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6115

Majority (202) 225-2927  
Minority (202) 225-3641

July 14, 2015

Dr. Thomas Frieden  
Director  
Centers for Disease Control and Prevention  
1600 Clifton Road  
Atlanta, GA 30333

Dear Dr. Frieden:

Pursuant to Rules X and XI of the U.S. House of Representatives, the Committee on Energy and Commerce is examining the adequacy of federal select agent oversight in light of inadvertent shipments of live anthrax from a laboratory at the Department of Defense (DOD) Dugway Proving Ground (DPG) that have occurred over the last 10 years.

We are writing to obtain baseline information about enforcement of the federal select agent program (FSAP). On May 28, 2015, *USA Today* reported – based on information provided by the CDC – that since 2003, the CDC had referred 79 labs for potential enforcement actions by the HHS Office of Inspector General (OIG), with fines levied against 19 entities totaling more than \$2.5 million. The article also noted that five laboratories had multiple referrals for enforcement actions, two labs were kicked out of the program, five labs were suspended from doing any select agent research, and seven labs were currently under a performance improvement plan. The committee seeks to confirm this information and obtain more details from CDC.

To assist the committee, please provide the following by July 28, 2015:

Since 2003,

1. How many referrals has CDC made to OIG for FSAP enforcements actions?
2. How many entities were referred to OIG for potential FSAP enforcement action?
3. How many entities were levied civil money penalties as a result of the FSAP enforcement action, and what was the total amount of civil money penalties collected? Were any of these federal government entities? If so, which ones?


4. How many entities had multiple FSAP referrals? Please list the entities.
5. How many entities had multiple FSAP violations? Please list the entities.
6. How many entities were kicked out of the FSAP? Please list the entities, and explain why these entities were kicked out of the FSAP.
7. How many entities are or were suspended from doing any select agent research? Please list the entities and explain why each of these entities was suspended, the period of suspension, and the reason for reinstatement.
8. How many entities are under a FSAP performance improvement plan? Please list the entities and explain why the entities were under a performance improvement plan.
9. Please provide a chart detailing the cases in which civil money penalties were levied or other enforcement actions imposed, including the following information: name of the entity, date of the violation, amount of the fine, whether the fine was actually collected or other type of enforcement action imposed, and nature of the violation.
10. How many referrals for possible FSAP criminal investigation has CDC made to the Federal Bureau of Investigation (FBI)? Does CDC receive any information from the FBI about the outcomes of these referrals? If yes, what were the outcomes of these referrals?

Your prompt assistance is appreciated. If you have any questions, please contact Alan Slobodin of the majority committee staff at (202) 225-2927 or Una Lee of the minority committee staff at (202) 225-3641.

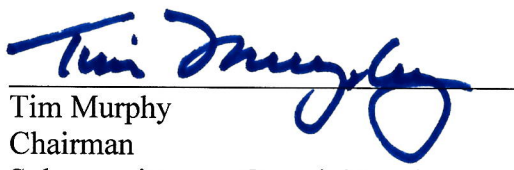
Sincerely,




Fred Upton  
Chairman



Frank Pallone, Jr.  
Ranking Member



Tim Murphy  
Chairman  
Subcommittee on Oversight and  
Investigations



Diana DeGette  
Ranking Member  
Subcommittee on Oversight and  
Investigations